

AMENDED IN ASSEMBLY APRIL 28, 2010

AMENDED IN ASSEMBLY APRIL 13, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1937

**Introduced by Assembly Member Fletcher
(Principal coauthor: Assembly Member Galgiani)**

February 17, 2010

An act to amend Section 49403 of the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1937, as amended, Fletcher. Pupil health: immunizations.

Existing law requires the governing board of a school district to cooperate with the local health officer in measures necessary for the prevention and control of communicable diseases in schoolage children, and authorizes the board to permit a licensed physician and surgeon or a licensed registered nurse acting under the direction of a supervising physician and surgeon to administer an immunizing agent to a pupil whose parents have consented, as specified.

This bill would also authorize a school district to permit ~~any certain~~ other licensed health care ~~practitioner~~ *practitioners* who ~~is are~~ acting under the direction of a supervising physician and surgeon ~~and whose license or certificate authorizes the holder to administer an immunizing agent~~, to administer *as* certain immunizing agents to those pupils. The bill would ~~make the authorization of registered nurses and other authorized~~ *authorize those* health care practitioners to administer *as* immunizing agents ~~contingent upon subject to specified conditions, including~~ notification of the school nurse, who would maintain control

as necessary in accordance with his or her duties as supervisor of health.
The bill would also make other technical changes.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 49403 of the Education Code is amended
2 to read:

3 49403. (a) Notwithstanding any other law, the governing board
4 of a school district shall cooperate with the local health officer in
5 measures necessary for the prevention and control of communicable
6 diseases in schoolage children. For that purpose, the board may
7 use any funds, property, and personnel of the district, and may
8 permit a licensed physician and surgeon ~~or any other, or a health~~
9 ~~care practitioner listed in subdivision (b) who is acting under the~~
10 ~~direction of a supervising physician and surgeon and is either~~
11 ~~licensed as a registered nurse or holds a license or certificate that~~
12 ~~authorizes the holder to administer an immunizing agent, to~~
13 administer an immunizing agent to a pupil whose parent or
14 guardian has consented in writing to the administration of the
15 immunizing agent.

16 ~~(b) A registered nurse or other authorized health care~~
17 ~~practitioner, acting under the direction of a supervising physician~~
18 ~~and surgeon, may perform immunization techniques within the~~
19 ~~course of a school immunization program provided that the~~
20 ~~following requirements are met:~~

21 *(b) (1) The following health care practitioners, acting under*
22 *the direction of a supervising physician and surgeon, may*
23 *administer as immunizing agent within the course of a school*
24 *immunization program:*

25 *(A) A physician assistant.*

26 *(B) A nurse practitioner.*

27 *(C) A registered nurse.*

28 *(D) A licensed vocational nurse.*

29 *(E) A nursing student who is acting under the supervision of a*
30 *registered nurse, in accordance with applicable provisions of law.*

31 *(2) A health care practitioner's authority to administer as*
32 *immunizing agent pursuant to this subdivision is subject to the*
33 *following conditions:*

1 ~~(1)~~

2 (A) The administration of an immunizing agent is upon the
3 standing orders of a supervising physician and surgeon and in
4 accordance with any written regulations that the State Department
5 of Public Health may adopt.

6 ~~(2)~~

7 (B) The school nurse is notified and he or she maintains control,
8 as necessary, as supervisor of health in accordance with Sections
9 44871, 44877, 49422, and subdivision (a) of Section 44926.

10 (C) *The health care practitioner may only administer*
11 *immunizations for the prevention and control of any of the*
12 *following:*

13 (i) *Annual seasonal influenza.*

14 (ii) *Influenza pandemic episodes.*

15 (iii) *Other diseases that represent a current or potential*
16 *outbreak as declared by a federal, state, or local public health*
17 *officer.*

18 (c) As used in this section, “supervising physician and surgeon”
19 means the physician and surgeon of the local health department
20 or school district that is directing the school immunization program.

21 (d) While nothing in this section shall be construed to require
22 the physical presence of the supervising physician and surgeon,
23 the supervising physician and surgeon shall require a ~~nurse or other~~
24 health care practitioner under his or her direction to do both of the
25 following:

26 (1) Satisfactorily demonstrate competence in the administration
27 of the immunizing agent, including knowledge of all indications
28 and contraindications for the administration of the agent, and the
29 recognition and treatment of emergency reactions to the agent that
30 constitute a danger to the health or life of the person receiving the
31 immunization.

32 (2) Possess the medications and equipment that are required, in
33 the medical judgment of the supervising physician and surgeon,
34 to treat any emergency conditions and reactions caused by the
35 immunizing agents that constitute a danger to the health or life of
36 the person receiving the immunization, and to demonstrate the
37 ability to administer the medications and use the equipment as
38 necessary.

39 ~~(e) A health care practitioner who is not a registered nurse and~~
40 ~~is authorized to perform immunizations under the direction of a~~

1 ~~supervising physician and surgeon pursuant to this section may~~
2 ~~only administer immunizations that control any of the following:~~
3 ~~(1) Annual seasonal influenza.~~
4 ~~(2) Influenza pandemic episodes.~~
5 ~~(3) Other diseases that represent a current or potential outbreak,~~
6 ~~as declared by a local, state, or federal public health officer.~~
7 *(e) It is the intent of the Legislature to encourage school-based*
8 *immunization programs, when feasible, to use the California*
9 *Immunization Registry to assist providers to track patient records,*
10 *reduce missed opportunities, and to help fully immunize all children*
11 *in California.*